

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TERRELL YOUNG,
v.
BACA, et al.,

Petitioner,
Respondents.

Case No. 3:17-cv-00118-HDM-CBC

ORDER

BACA, et al.,

Respondents.

On October 15, 2019, the court granted respondents' motion to dismiss, in part, finding that the petition in this action contains both exhausted and unexhausted claims and is therefore mixed. (ECF No. 66). The court directed petitioner to elect how he would like to proceed on his mixed petition. Petitioner has elected to dismiss the unexhausted claim, Ground Two, and proceed on his exhausted claim. (ECF No. 67)

Good cause appearing, IT IS HEREBY ORDERED that petitioner's motion to dismiss Ground Two (ECF No. 67) is GRANTED. Ground Two is dismissed from the petition without prejudice.

IT IS FURTHER ORDERED that respondents shall file an answer to the remaining claim in the petition on or before December 27, 2019. The answer shall address the outstanding timeliness defense as well as the merits of the remaining claim in the petition.

IT IS FURTHER ORDERED that petitioner shall file any reply to the answer on or before January 27, 2020.

IT IS FURTHER ORDERED that petitioner shall file any motions for an evidentiary hearing and/or discovery no later than the time of filing the reply. Respondents shall have fourteen days to file any responses thereto, and petitioner shall have seven days to file any replies thereto.

6 The parties are advised that, given the length of time the
7 petition has been pending, extensions of the deadlines set forth
8 above are not likely to be granted.

9 IT IS SO ORDERED.

10 DATED: This 5th day of November, 2019.

Howard D. McKibben

UNITED STATES DISTRICT JUDGE
